



WEB COPY



W.P. Nos.27301, 27305 and 27334 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. Nos.27301, 27305 and 27334 of 2021

V.Dharman	... Petitioner in W.P.No.27301 of 2021
M.Kumaresan	... Petitioner in W.P.No.27305 of 2021
D.Gowri	... Petitioner in W.P.No.27334 of 2021

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Education Department,
Fort St. George,
Chennai - 9.
2. The Director of School Education,
College Road,
Chennai - 09. ... Respondents in all W.Ps.
3. The Chief Educational Officer,
Tiruvannamalai District.
4. The District Educational Officer,
Tiruvannamalai District. ... Respondents in
W.P.Nos.27301, and 27334 of 2021



W.P. Nos.27301, 27305 and 27334 of 2021

3. The Chief Educational Officer,
Coimbatore District.

4. The District Educational Officer,
Coimbatore District.

... Respondents in W.P.No.27305
of 2021

Prayer in W.P.No.27301 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.09.2021 to calculate the petitioner's service from the date of his initial appointment on 11.08.1993 and consequently direct the respondents to pay pension and other terminal benefits at the time of retirement to the petitioner with all consequential benefits and arrears.

Prayer in W.P.No.27305 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.09.2021 to calculate the petitioner's service from the date of his initial appointment on 11.12.1994 and consequently direct the respondents to pay pension and other terminal benefits at the time of retirement to the petitioner with all consequential benefits and arrears.

Prayer in W.P.No.27334 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.09.2021 to calculate the petitioner's service from the date of his initial appointment on 08.08.1994 and sanction all monetary and service benefits payable to the petitioner and consequently direct the respondents to grant pension with all consequential benefits and arrears.

In all W.Ps.

For Petitioner : Mrs.S.Esairani Narasimman

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader



W.P. Nos.27301, 27305 and 27334 of 2021

COMMON ORDER

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The petitioners whose services have been regularised in pursuant to the proceedings, dated 20.06.2012 in Na.Ka.No.149/A1/2006 have filed the Writ Petitions, seeking direction to the respondents to consider the representation of the petitioners, dated 25.09.2021 and calculate the petitioners' service from the date of their initial appointment for the purpose of pensionery and other terminal benefits.

2. Heard Mrs.S.Esairani Narasimman, learned counsel for the petitioners and Mr.P.Gurunathan, learned Additional Government Pleader appearing for the Respondents.

3. In pursuant to G.O.Ms.No.111, School Education R1 Department, dated 09.05.2012, an order has been issued to regularise the service of the petitioners and similar others on their completion of 10 years of service. The petitioners were originally appointed as Sweepers through employment exchange. However, the above G.O has been issued in pursuant to the orders of this Court in W.P.No.27607 of 2010, dated 23.12.2010.

4. There is no quarrel on the facts that the petitioners have completed



W.P. Nos.27301, 27305 and 27334 of 2021

10 years of service and vide proceedings dated 20.06.2012, they were regularised in service. However, the claim of the petitioners is that the petitioners' past service from the date of their appointment, should also be taken into account for the purpose of pension and other terminal benefits. Hence, the petitioners made representation on 25.09.2021 and so far no orders have been passed.

5. Mr.P.Gurunathan, learned Additional Government Pleader appearing for the Respondents submitted that the petitioners have been regularised subsequent to 01.04.2003 and hence, their past services cannot be taken into account.

6. However, the petitioners have joined service as early as in the years 1993 and 1994. Hence, the respondents are directed to consider the representation of the petitioners dated 25.09.2021 regarding their past service from the date of their initial appointment and pass orders on merits and in accordance with law within four weeks from the date of receipt of a copy of this order.



W.P. Nos.27301, 27305 and 27334 of 2021

WEB COPY 7. With the above direction, the Writ petitions are disposed of. No costs.

20.02.2024

Index: Yes / No

Speaking order / Non-speaking order
vum

To:

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
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R.N.MANJULA ,J.

vum



WEB COPY



W.P. Nos.27301, 27305 and 27334 of 2021

W.P. Nos.27301, 27305 and 27334 of 2021

20.02.2024